

Rose, Martha
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PRESS RESPONSE
MARTHA C. ROSE CHEMICALS, INC.

The Environmental Protection Agency today confirmed that a law suit has been filed in the United States District Court for the Western District of Missouri against Martha C. Rose Chemicals, Inc., American Steel Works, Inc., W. C. Carolan Company, Inc., and Walter C. Carolan. The complaint filed in the matter states that the defendants conducted business activities at the Martha C. Rose Chemicals, Inc. facility in Holden, Missouri, which was licensed to process and dispose of PCBs. The complaint states that the defendants are subject to EPA rules promulgated under the Toxic Substances Control Act governing the handling, storage, and disposal of PCBs. The complaint states that the defendants have violated these rules in the past and continue to be in violation.

In commenting on the filing of today's case, EPA Regional Administrator Morris Kay said, "The filing of this case represents our efforts to require that Martha C. Rose Chemicals comply with the law by properly storing and disposing of the PCBs at Holden. It is our belief, that as the owners and operators of that facility, they and the other defendants have the first responsibility for the clean-up."

In the complaint, EPA asks the court to find the defendants liable for the violations, and to be responsible for the proper disposal and site clean-up of the PCBs stored at the Holden, Missouri facility.

In March 1986, Martha C. Rose Chemicals, Inc., announced that it was financially unable to complete the disposal of the PCBs stored at the facility. In that same month, EPA commenced a court action to enforce an administrative subpoena, seeking to require Martha C. Rose Chemicals, Inc., and the other defendants to produce financial records which would allow the agency to audit the disbursement of receipts by Martha C. Rose Chemicals, Inc. That action has not been concluded, and the defendants have objected in court to the production of most of the financial records. Information made public by a Congressional Subcommittee showed that income of Martha C. Rose in 1983 and 1984 amounted to several million dollars in income, which resulted in a tax loss in one year, and a small profit, in the other.

In a separate proceeding, on creditors of Martha C. Rose Chemicals, Inc., have filed an involuntary petition in bankruptcy against the company, and hearings have been held to determine the extent of the assets and debts of the company. That action continues.



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SUPERFUND RECORDS

Representatives of the companies and cities which sent PCBs to the Holden facility have provided site security and performed some preliminary work at the site. There are estimated to be approximately 650 such generators of PCBs. EPA is negotiating with those parties for their commitment to continue clean-up activities. Mr. Kay said, "The generators of the PCBs are also legally liable for the clean-up. We will continue to work with them and assure proper clean-up and closure of the Holden facility."